

Message Text

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PAGE 01 TEL AV 02372 221134Z
ACTION NEA-10

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FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC PRIORITY 1387
INFO AMCONSUL JERUSALEM

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E. O. 11652: N/A
TAGS: CARP IS (ESMAIL, SAMI)
SUBJ: SAMI ESMail: REQUEST FOR CONSULAR TESTIMONY

REF.: STATE 43178, TEL AVIV 2368

THERE FOLLOWS THE TEXT OF ATTORNEY FELICIA LANGER'S
LETTER DATED FEB 5 AND RECEIVED AT EMBASSY
TEL AVIV FEB 9 REQUESTING PERMISSION FOR VICE
CONSUL DAVISON TO TESTIFY AS DEFENCE WITNESS IN THE
INVESTIGATION INTO THE ALLEGED MISTREATMENT OF SAMI ESMail
DURING DETENTION AT PETACH TIKVA POLICE STATION.

QUOTE: I AM THE LAWYER OF MR SAMI ESMail, THE US
CITIZEN IMPRISONED BY THE ISRAELI AUTHORITIES SINCE
21.12.77.

DESPITE MY EFFORTS I WAS ABLE TO MEET MY CLIENT ONLY
ON 28.1.78 DURING MY VISIT HE COMPLAINED BEFORE ME
ABOUT SEVERE PHYSICAL ILLTREATMENT AND PSYCHOLOGICAL
TORTURES INFLICTED ON HIM BY THE INTERROGATORS IN HIS
JAIL IN PETAH-TIKVAH. IN THE WAKE OF HIS COMPLAINT
I HAVE FORWARDED TO YOU A LETTER ON 30.12.77 IN WHICH
I HAVE DESCRIBED THE ALLEGATIONS OF MY CLIENT, MENTIONING
ALSO HIS COMPLAINT BEFORE ONE OF YOUR OFFICIALS.

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ACCORDING TO THE DECLARATION OF MY CLIENT HE HAS COMPLAINED
BEFORE MR MARK DAVIDSON, THE VICE-CONSUL, WHO VISITED
HIM TOGETHER WITH THE CONSUL'S ASSISTANT, MR SH.WEISS IN
PETAH-TIKVAH ON 25.12.77, AND MR DAVIDSON WARNED ONE OF
THE GUARDS TO STOP IT. DURING THIS VISIT MY CLIENT ASKED
OF WHAT IS HE SUSPECTED, NOT KNOWING IT UNTIL THEN, AND
HE WAS NOT TOLD ABOUT IT.

UNDER THE PRESSURE AND DURESS OF THE INVESTIGATION, AS DESCRIBED IN MY LETTER AND THE PERSONAL COMPLAINTS OF MY CLIENT BEFORE THE US EMBASSY OFFICIALS, MY CLIENT SIGNED INCRIMINATING CONFESSIONS, ONE IN ENGLISH AND THE OTHER IN HEBREW, BEEN COMPLETELY UNAWARE OF HIS RIGHTS. I SHOULD LIKE TO REMARK, THAT ACCORDING TO THE ISRAELI LAW ONE CAN BE CONVICTED SOLELY ON HIS CONFESSION IN ADDITION WITH SOMETHING VERY SLIGHT AND UNSIGNIFICANT, CALLED "SOMETHING ELSE" AS, FOR INSTANCE, HIS AIR TICKET TO ISRAEL. BECAUSE MY CLIENT IS SURE ABOUT HIS INNOCENCE AND THE FACT THAT HIS SELF INCRIMINATION OCCURRED AS A RESULT OF ILLEGAL MEANS USED AGAINST HIM DURING HIS INTERROGATION, WE HAVE DECIDED TO CONTEST THE ADMISSIBILITY OF HIS CONFESSIONS BY MEANS OF SO CALLED "LITTLE TRIAL", IN THE FRAMEWORK OF SAMI'S TRIAL BEFORE THE DISTRICT COURT OF TEL AVIV.

I ASK YOU KINDLY TO ALLOW TO MR DAVIDSON TO TESTIFY AS A DEFENCE WITNESS IN THIS "LITTLE TRIAL" ABOUT THE COMPLAINT OF 25.12.77, HIS WARNING, THE UNAWARENESS OF SAMI ABOUT THE SUSPICIONS AGAINST HIM AND HIS REQUEST FOR A LAWYER.

I WISH TO STRESS, THAT THE TESTIMONY OF MR DAVIDSON WILL HAVE NOTHING TO DO WITH THE ACCUSATIONS AS LISTED IN THE INDICTMENT AGAINST MY CLIENT. THE AIM OF THIS TESTIMONY LIMITED OFFICIAL USE

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IS TO THROW AN ADDITIONAL LIGHT ON SAMI'S INVESTIGATION WHICH CONSTITUTES AN INFRINGEMENT OF HIS RIGHTS AS AN HUMAN BEING AND TO TRY TO ELIMINATE ILLEGALLY OBTAINED CONFESSIONS. LOOKING FORWARD FOR YOUR PROMPT ANSWER, WITH THANKS IN ADVANCE, YOURS, FELICIA LANGER UNQUOTE LEWIS

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